

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Case No. 1:23-cv-00369-NRM-RML

Plaintiff,

-against-

**REPLY IN SUPPORT OF MOTION TO
DISMISS FOR LACK OF PERSONAL
JURISDICTION**

RARE BREED TRIGGERS, LLC; RARE
BREED FIREARMS, LLC; LAWRENCE
DEMONICO; KEVIN MAXWELL,

Defendants.

DECLARATION OF COLE LELEUX

I, Cole Leleux, declare under penalty of perjury that the following is true and correct to the best of my present knowledge, information and belief:

1. I am an owner of Rare Breed Firearms, LLC (RBF), a consultant for Rare Breed Triggers, LLC (RBT), and a resident of the State of Florida.
2. I am familiar with the operations and management of both RBF and RBT, and the facts set out in this declaration are based on my personal knowledge.
3. RBT did its banking through an account it opened in January 2021 at a branch of JP Morgan Chase N.A. located at 7674 Dr. Phillips Blvd., Orlando, Florida 32819. The account number for that account is 693581008.
4. As noted in my initial declaration in this matter, when RBT set up its payment process for dealers in August 2021, Chase provided wire transfer instructions that included two routing numbers. *See* Attachment F to Declaration of Cole Leleux in support of Defendants Motion to Dismiss (“Customer Information for Incoming Wire Transfers,” ECF No. 23-1 at 43). One, which was designated as the number for domestic transfers, was 021000021. But a notation further down

on the instructions stated, “Do not use the ABA routing number above. Please use Florida ABA routing 267084131.” The instructions also told us to provide dealers with Chase’s address in New York. We never thought that this address meant any wire transfers were going to any account in New York, as we had no account there.

5. Also as noted in my initial declaration, when dealers tried using Chase’s domestic routing number (021000021) the wire transfers failed. We then gave them the Florida routing number (267084131) and the transactions were successful. *See* Attachment G. We never bothered to change the address on the routing instructions because the transactions were successful at that point and a bank representative told us the address did not matter as long as the account number and routing number were correct. All the transaction confirmations I have seen indicate that the funds were wired to our Florida account through the Florida routing number (267084131). As far as I can tell from RBT records, no funds were ever routed to RBT through the Chase domestic routing number, 021000021.

6. Contrary to the Government’s claim, RBF does not, and never has, sold firearms. *See* Government’s Brief in Opposition to Motion to Dismiss (ECF No. 24) at 7 (“Defendant RBF sells firearms and firearm accessories”). As the ATF must know, RBF does not possess a federal firearms license and therefore is not permitted to sell firearms. And it is not clear what the Government means by “firearms accessories,” but, in any event, RBF is primarily a design company. It produces designs for parts of an AR-15 rifle known as “lower receivers.” It does not manufacture or sell these parts, however. Instead, it licenses these designs to another company, Spike’s Tactical, which then produces both the lower receivers and the rifles to which those receivers are attached. While RBF’s website includes pictures of the rifles, it makes clear that they

are only available for sale from Spike's Tactical, not RBF. *See* rarebreedfirearms.com. Beyond that, RBF's sells things like t-shirts and hats.

7. Because RBF does not sell firearms, firearm accessories, or triggers, whatever packages it sold in New York would not have been these types of items. Likely, they would have been swag, such as t-shirts and hats.

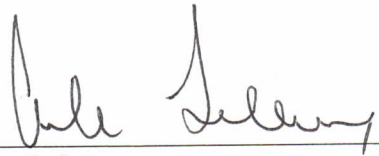
8. Because RBF is a separate company from RBT and does not sell triggers, it has often had to respond to inquiries about triggers made by RBT. To do so, it added a page to its website that showed an FRT-15 with the following message: "The FRT-15 is exclusively manufactured and sold by Rare Breed Triggers. Visit their site at www.RareBreedTriggers.com." RBF also sends a standard email in response to inquiries it receives about RBT or the FRT-15 that says: "We are Rare Breed Firearms. We are not Rare Breed Triggers. We are two separate companies with separate locations and different staff. You should send this email to them. You can contact them at customerservice@rarebreedtriggers.com." *See* Attachment H, which includes the first such response, dated May of 2021, and the last, dated December 2022.

9. RBT never sold triggers to any dealers located in New York, or dealers who had stated an intent to sell to New York. RBT has no knowledge of any dealer in Massachusetts selling to New York. In fact, records indicate that RBT sold only ten triggers to one dealer in Massachusetts.

10. Lee Spring Company is a very large company that does business all over the world. *See* <https://www.leespring.com/contact-us>. When RBT purchased the springs from Lee Spring to which the Government refers in its briefs, it did not know that the company's global headquarters were in New York. RBT dealt with Lee Spring in Gilbert, AZ. *See* Attachment I. RBT conducted the transaction remotely from Florida and it was done entirely by email and telephone. RBT had

no idea when it transacted with Lee Spring that the company's global headquarters were in New York.

Executed on March 2, 2023


Cole Leleux

ATTACHMENT G

Initial reply with Invoice and Wire Instructions

Thank You for your order!

ATTENTION

Please be aware that Rare Breed Triggers currently has a pending lawsuit with the ATF and DOJ. If you have any concerns regarding this lawsuit, more information can be found online on websites such as <https://theinfidel.co/blogs/news>

Please see attached invoice and wire transfer instructions.

Once your wire transfer is complete, please send us an email with a wire confirmation sheet and shipping address.

Upon receipt of the wire, your order will ship the next business day.

NOTE: Due to high demand of orders, wire transfers must be sent within 48 hours. We cannot guarantee stock fulfillment after 48 hours from receipt of invoice. If it is past 48 hours from receipt of invoice and you have NOT completed the wire transfer, please confirm stock levels to ensure we can fulfill your order BEFORE completing the wire transfer.



G

Is this ok?

Aug 17, 2021, 10:22

Kelly Leleux

KL

Up to 855 dealer orders.

KL

Is that wording on the email to the dealers with their order ok?

Cole Leleux

CL

Good for me. Lawrence?

RBT33

iMessage

**Dealer Sales**

To: Gabriela Amorim >

Initial reply with Invoice and Wire Instructions

Thank You for your order!

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NOTE: Due to high demand of orders, wire transfers must be sent within 48 hours. We cannot guarantee stock fulfillment after 48 hours from receipt of invoice. If it is past 48 hours from receipt of invoice and you have NOT completed the wire transfer, please confirm stock levels to ensure we can fulfill your order **BEFORE** completing the wire transfer.



CL

Good for me. Lawrence?

Works for me

Gabi

G

Okay, are you updating the document with wire instructions for the Chase account?

I'll do it now

Stand by

Kelly Leleux

KL

Ok. Are we good to process all the dealer order after we get the update wiring instructions?

855 trigger total I believe.

Cole Leleux



CL

Yes

CL

Email sent with wire info

Roger that



iMessage

RBT35



Cole Leleux

Def a different address so glad I asked

Kelly. Just sent the wire instructions to your yahoo

Cole Leleux

Alright now stock slacking ladies. This should have been done Friday

Kelly Leleux

BANK NAME: JPMorgan Chase
ADDRESS: 270 Park Avenue
CITY, STATE ZIP: New York, NY
ABA: 267084131
Account Name: Rare Breed Traders
Account Number: 693581008
Routing Number: 021000021

YAHOO PLUS MORE... Upgrade Now

Wires.pdf Page 1 of 1

another person to send you a wire transfer payment. It is not an agreement by the bank to accept or transmit the wire transfer payment.

Key Terms
ABA Routing/Transfer Number - used in the US to identify financial institutions.
SWIFT Code - unique identification code for a bank/branch, used for an international transfer.

Provide the following information to the person sending the wire:

☒ DOMESTIC WIRES
Provide Chase Bank's ABA Routing/Transfer Number 021000021

☐ INTERNATIONAL WIRES
Provide Chase Bank's SWIFT Code CHASUS33

Your Chase Account Number (starting with a Green Label, WebBank) or other Non-Chase account number do NOT appear on wire orders. Other information is required for the top of document to be received. RARE BREED TRADERS, LLC



RBT36

iMessage

BANK NAME: JPMorgan ChaseADDRESS: 270 Park AvenueCITY, STATE ZIP: New York, NYABA: 267084131Account Name: Rare Breed Triggers, LLCAccount Number: 693581008Routing Number: 021000021

YAHOO PLUS

MORE...



Upgrade Now



Kelly

Home

Wires.pdf

Page 1 of 1



another person to send you a wire transfer payment. It is not an agreement by the bank to accept or transmit the wire transfer payment.

Key Terms
ABA Routing/Transit Number - used in the US to identify financial institutions.
SWIFT Code - unique identification code for a bank/branch; used for an international transfer.

Provide the following information to the person sending the wire:

☐ DOMESTIC WIRES

✓ Provide Chase Bank's ABA Routing/Transit Number 021000021

☐ INTERNATIONAL WIRES

✓ Provide Chase Bank's SWIFT Code CHASUS33

Your Chase Account Number (if using a Chase Loan, Investment or other Non-Deposited account number do NOT enter it here; enter it in "Other Information" & indicate the type of account to be credited).

Your Name as it Appears on the Account to be credited:
RARE BREED TRIGGERS, LLC

Amount of the Wire: 693581008

For Domestic transfers, Chase ABA Routing/Transit Number:

021000021

For International transfers, Chase Swift Code:

CHASUS33

Receiving Bank Name: Chase
 Receiving Branch Address:
JPMorgan Chase
270 Park Avenue
New York, NY 10017

Other information:

DO NOT USE THE ABA ROUTING ABOVE. PLEASE USE FLORIDA ABA ROUTING 267084131

RBT37

Important!

- Incoming funds will be credited based solely on the Account Number you provide. BE CERTAIN you confirm that the Account Number is correct.
- Any error or incomplete information may result in the wire being delayed or not sent.

wire co
 address


e will s
 ess da



Never mind this is confusing

I thought the 021000021 was for wires?

KL

CHASE 

Customer Information for Incoming Wire Transfers

We have created this guide to explain some key terms and standard information that may be required for another person to send you a wire transfer payment. It is **not** an agreement by the bank to accept or transmit the wire transfer payment.

Key Terms
ABA Routing/Transit Number - used in the US to identify financial institutions. SWIFT Code - unique identification code for a bank/branch; used for an international transfer.

Provide the following information to the person sending the wire:

☐ **DOMESTIC WIRES**

✓ Provide Chase Bank's ABA Routing/Transit Number **021000021**

☐ **INTERNATIONAL WIRES**

✓ Provide Chase Bank's SWIFT Code **CHASUS33**

Your Chase Account Number (if using a Chase Loan, Investment or other Non-Deposit asset number do NOT enter it here; enter it in "Other Information" and indicate the type of account to be credited).	Your Name as it Appears on the Account to be credited: RARE BREED TRIGGERS, LLC
Amount of the Wire: 693581008	Receiving Bank Name: Chase
For Domestic transfers, Chase ABA Routing/Transit Number: 021000021	Receiving Branch Address: JPMorgan Chase 270 Park Avenue New York, NY 10017
For International transfers, Chase Swift Code: CHASUS33	
Other Information: DO NOT USE THE ABA ROUTING ABOVE. PLEASE USE FLORIDA ABA ROUTING 267084131	

Important!

- Incoming funds will be credited based solely on the Account Number you provide. BE CERTAIN you confirm that the Account Number is correct.
- Any error or incomplete information may result in the wire going to the wrong person or being delayed, which could result in the loss of funds.
- Incoming funds may be deposited into the checking or savings account or may be applied as a payment to the loan or line of credit.
- Incoming funds cannot be credited to a Chase Secure Banking Account.
- Incoming funds may take 1 full business day before the funds are received from the sender.
- Sender's bank may request Chase's address for incoming wires. Address is 270 Park Ave., New York, NY 10017.

M1208-01 (09/20)

This is what was sent to us.

This is where I got the Info.

I'm not sure what's right or wrong at this point.

RBT38

iMessage



Customer Information for Incoming Wire Transfers

We have created this guide to explain some key terms and standard information that may be required for another person to send you a wire transfer payment. It is **not** an agreement by the bank to accept or transmit the wire transfer payment.

Key Terms

ABA Routing/Transit Number - used in the US to identify financial institutions.

SWIFT Code - unique identification code for a bank/branch; used for an international transfer.

Provide the following information to the person sending the wire:

☐ DOMESTIC WIRES

✓ Provide Chase Bank's ABA Routing/Transit Number **021000021**

☐ INTERNATIONAL WIRES

✓ Provide Chase Bank's SWIFT Code **CHASUS33**

Your Chase Account Number (If using a Chase Loan, Investment or other Non-Deposit acct number do NOT enter it here; enter it in "Other Information" & indicate the type of account to be credited):	Your Name as it Appears on the Account to be credited: RARE BREED TRIGGERS, LLC
Amount of the Wire: 693581008	Receiving Bank Name: Chase
For Domestic transfers, Chase ABA Routing/Transit Number: 021000021	Receiving Branch Address: JPMorgan Chase 270 Park Avenue New York, NY 10017
For International transfers, Chase Swift Code: CHASUS33	
Other Information: DO NOT USE THE ABA ROUTING ABOVE. PLEASE USE FLORIDA ABA ROUTING 267084131	

Important!

- Incoming funds will be credited based *solely* on the Account Number you provide. BE CERTAIN you confirm that the Account Number is correct.
- Any error or incomplete information may result in the wire going to the wrong person or being delayed, which could result in the loss of funds.
- Incoming funds may be deposited into the checking or savings account or may be applied as a payment to the loan or line of credit.
- Incoming funds cannot be credited to a Chase Secure Banking Account.
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- Sender's bank may request Chase's address for incoming wires.
Address is 270 Park Ave., New York, NY 10017.



...other what's right or
wrong at this point.

Kelly Leleux

That's what I'm looking at

KL

It's very confused

Can we ask someone?

Kelly Leleux

KL

Cole said he would check in a few

Cole Leleux

Lawrence will resend wire instructions

CL

We are removing 021 routing off of it

Kelly Leleux

KL

Did the bank verify that?

Cole Leleux



CL

Yeah

And I looked back at old text with



iMessage

RBT40



And I looked back at old text with BDU. The 021 routing was what they tried first and it failed

We then gave them the local number and that has been working

CL

Kelly Leleux

KL

Ok

ATTACHMENT H

RE: Wot



admin@rarebreedfirearms.com

To [REDACTED]



Reply

Reply All

Forward



Mon 12/5/2022 2:03 PM

[REDACTED]

We are Rare Breed Firearms. We are not Rare Breed Triggers. We are two separate companies with separate locations and different staff. You should send this email to them. You can contact them at customerservice@rarebreedtriggers.com

[REDACTED]

From: [REDACTED]

Sent: Tuesday, November 29, 2022 3:35 PM

To: admin@rarebreedfirearms.com

Subject: Wot

Hello. I recently ordered a wot from you guys, but haven't got a shipping confirmation. Is there any way for me to know when it will ship?

RE: Thanks for Registering at Rare Breed Firearms



To [REDACTED]



Reply

Reply All

Forward



Mon 5/10/2021 12:13 PM

[REDACTED]

You are gonna need to email Rare Breed Triggers at customerservice@rarebreedtriggers.com

We are completely separate companies with completely separate staff. I apologize that I can't be more help to you.

[REDACTED]

From: [REDACTED]

Sent: Saturday, May 8, 2021 2:03 AM

To: admin@rarebreedfirearms.com

Subject: Re: Thanks for Registering at Rare Breed Firearms

Hello,

I would like to inquire [REDACTED]

RARE BREED
- FIREARMS -

DESIGNS ▾

APPAREL & SWAG


CONTACT US

🔍

📺

👤

🛒 0



FRT-15

\$0.00

★★★★★ (No reviews yet) [Write a Review](#)

DESCRIPTION

The FRT-15 is exclusively manufactured and sold by Rare Breed Triggers.

Visit their site at www.RareBreedTriggers.com

ADDITIONAL DETAILS

ATTACHMENT I

STAINLESS

From: Rosina Savva (rsavva@leespring.com)
To: COLELELEUX@YAHOO.COM
Date: Tuesday, August 24, 2021 at 06:15 PM EDT

Stainless Steel 316	ASTM A313	1.5% Cr 16.5 - 18.0%, Ni 10.5 - 13.5%, Mo 2.0 - 2.5%	0.29	125 - 245	28	10	550 °F	General heat resistant spring wire and better corrosion resistance than Type 302/204. Slightly magnetic. Often used in marine applications, resists chloride attack.
Stainless Steel 302/304	ASTM A313	Cr 17.0 - 20.0%, Ni 8.0 - 10.5%	0.29	130 - 325	28	10	550 °F	General purpose corrosion and heat resistant spring wire. Slightly magnetic. Type 304 has less carbon than Type 302, however considered commercially equivalent for stock springs.

Rosina Savva
Customer Service Department
Direct: 888-777-4647 ext 4004
Email: Rsavva@leespring.com

Lee Spring
1235 N Hobson St
Gilbert, AZ 85233
Office: 888-SPRINGS (888-777-4647)
Web: leespring.com

